

REMARKS

The present Response is submitted in response to the Office Action dated March 14, 2005, where the Examiner has ***finally rejected*** claims 1-21 pending in the present application. Reconsideration and allowance of pending claims 1-12 in view of the following remarks are respectfully requested.

Claim Rejections Under §103:

Paragraph 2 of the Action rejects claims 1-7, 9, and 10 under 35 U.S.C. 103(a) as being obvious in view of Richter (DE19918055A1) in further view of Haskins (U.S. Patent No. 4,734,679). Applicants respectfully traverse the rejection because Richter and Haskins, alone or in combination, fail to teach, suggest, or disclose all elements of the claims for at least the reasons described below.

As for claim 1, Richter cannot render these claims unpatentable, because Richter does not teach each and every element of the claims as described above. As an example, Richter fails to teach “a graphical element adjacent the key opening...indicative of a key function.” In contrast, Richter does not disclose any graphical element adjacent to a key opening. Instead, Richter has a logo made in one piece with a display field cover. As shown in Fig. 1a of Richter, the display field 11 is separate and distinct from the keyfield 9, which holds the keys. Further, Richter does not address providing information regarding key function, but is merely constructed to be highly contrasting from the phone's display area.

Accordingly, the Action must rely on Haskins to make up for the deficiencies of Richter.

With regard to Haskins, Haskins fails to cure the deficiencies of Richter because Haskins also fails to teach, suggest, or disclose, “a graphical element adjacent the key opening...indicative of a key function.” The action does not discuss the “graphic element adjacent the key opening” limitation of claim 1 with respect to either Richter or Haskins. Richter fails to teach this element, as discussed above. Further, Haskins fails to make up for this deficiency. Haskins teaches that “[o]n the top surface 21 of each pushbutton 14 is an indicia 22.” Haskins does not teach a “graphical element...adjacent the key opening...on the transparent area” that is “on the housing.” Accordingly, the Action fails to make out a *prima facie* case of obviousness. Applicants, therefore, respectfully request withdrawal of the rejection as to claim 1. Claims 2-7, 9, and 10, depend, either directly or indirectly from claim 1 and are allowable for at least the reasons discussed above with respect to claim 1. Applicants, therefore, respectfully request withdrawal of the rejection as to claims 2-7, 9, and 10.

A discussion of claims 11 and 12 is included with paragraphs 2, the 103(a) rejection of claims 1-7, 9, and 10. This discussion appears to be the same as the 102(e) rejection of the May 27, 2004 Office Action. The Office Action does not include a discussion of how Haskins has been combined with Richter to make up for the deficiencies of Richter discussed in the response to the May 27, 2004 Office Action. Applicants respectfully traverse the rejection because Richter and

Haskins, alone or in combination, fail to teach, suggest, or disclose all elements of the claims for at least the reasons described below.

For example, claim 11 recites “a translucent housing” with “an opaque coating upon at least said outer surface of the housing.” In sharp contrast, Richter has a separate display field cover 11' that may be made of transparent plastic. See Richter Translation, page 7, lines 3-7, and Fig. 1a. A logo or a logo-cutout is provided in the display field cover, with the display field cover then inserted into the display field housing section. See Richter Translation, page 6, lines 21-25. In this way, Richter has only a limited transparent cover piece that is separately assembled into a housing. Further, Richter teaches that the field cover is “made opaque...by a dark background” rather than “an opaque coating” as claimed in claim 11.

Referring now to Haskins, Haskins fails to make up for the deficiencies of Richter. For example, Haskins does not teach “a translucent housing” or an “opaque coating upon at least said surface of the housing.” The pushbuttons of Haskins are separate from any housing, further, fitting over each pushbutton is a “clear plastic cap 15” which, by definition is not opaque. Accordingly, the Action fails to make out a *prima facie* case of obviousness. Applicants, therefore, respectfully request withdrawal of the rejection as to claim 11.

Applicant traverses the rejection of claim 12, and respectfully submits that Richter and Haskins, alone or in combination, also fails to disclose all the limitations of claim 12. For example, claim 12 has a split housing comprising a “front portion,” with the front portion defined to include “a plurality of spaced apart

keys.” By way of example, Fig. 2 of the specification shows a front housing 12 with a typical key arrangement. In claim 12, the front portion is recited to be “formed from a light transmitting material.” In contrast, Richter has a separate display field cover 11’ that may be made of transparent plastic. See Richter Translation, page 7, lines 3-7, and Fig. 1a. A logo or a logo-cutout is provided in the display field cover, with the display field cover then inserted into the display field housing section. See Richter Translation, page 6, lines 21-25. In this way, Richter has only a limited transparent cover piece that is separately assembled into a housing. Further, as discussed above with respect to claim 11 Richter fails to disclose a transparent coating.

Haskins fails to make up for the deficiencies of Richter. For example, Haskins does not teach the front portion is recited to be “formed from a light transmitting material.” The cover 17 of Haskins is not “a light transmitting material.” Accordingly, the Action fails to make out a *prima facie* case of obviousness. Applicants, therefore, respectfully request withdrawal of the rejection as to claims 11 and 12.

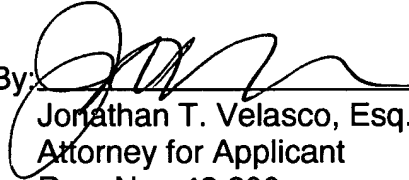
Paragraph 3 of the Action rejects claim 8 under 35 U.S.C. 103(a) as being obvious in view of Richter in further view of Haskins. Claim 8 depends from claim 1 and is allowable for at least the reasons discussed above with respect to claim 1. Applicants, therefore, respectfully request withdrawal of the rejection as to claim 8.

CONCLUSION

For all the foregoing reasons, an early allowance of claims 1-12 pending in the present application is respectfully requested.

Respectfully submitted,

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